

REMARKS

Claims 1 - 18 are in the case and are presented for consideration. By this Amendment, Applicant has amended several of the original claims including independent claims 1 and 6. New claims 11 - 18 are presented where independent claim 1 is similar to the original claim 6 but further highlights particulars of the combination.

Claims 6 - 10 have been rejected under 35 USC § 112, first paragraph with regard to enablement. The Examiner has correctly noted that the claim includes a typographical error. The claim has been revised to note the pin mount structure as per the preferred embodiment. However, it is noted that reversing the pin and pin mount arrangement of the middle part of the medical instrument and the supply unit may be equivalent for many applications. Accordingly, it is believed that with the correction of claim 6 the rejection is not applicable.

Claims 1 - 10 have been rejected as being indefinite. The Examiner has objected to the use of the word "type". Applicant notes that with the pin and pin mount and many male/female type connectors the male and female parts can be equivalently reversed as to their provision on one part or the other part, such as on the medical instrument or the supply unit. It is Applicant's position that plug connection is generally understood to be various matable connection arrangements (plug/pin and socket/jack etc.). Applicant wishes to thank the Examiner for the careful reading of the claims and the helpful suggestions.

Claims 1, 5 - 6 and 10 have been rejected as being obvious based on the teachings of Kummerfeld et al. (U.S. 5,113,897) in view of Saruya ('193 Application). Applicant attaches hereto the translation of German Application DE 102 54 294.5-45, namely the priority of the

present application. Applicant acknowledges that priority has been perfected. Applicant now files a translation of the priority application. The translation includes a statement that the translation is a translation of German Application DE 102 54 294.5-45 and is accurate. As Saruya is not prior art in the present application in view of the translation Applicant will address the references such as Kummerfeld et al. with regard to rejections not based on Saruya.

Claims 1 - 2, 5 - 7 and 10 have been rejected as being obvious based on Kummerfeld et al. in view of Yabe. The rejection is based on the position that Kummerfeld et al. discloses several features claimed. Included in this is a statement that Kummerfeld discloses the power supply and related connections of the supply unit as well as the features of the medical device in claim 6. However, an important aspect of the invention is that the connections of the power supply, data transmission facility and pneumatic supply are all provided with a height adjustable middle part. Applicant has clarified this in claims 1 and 6. This presents a significant departure from the analogous prior art such as Kummerfeld et al. It addresses problems which were recognized by the inventors, namely the mount connection for the medical device was readily usable for connecting and lifting the medical device for height adjustment but the prior art required the further steps of setting up the supply lines with operating media such as electricity, gas and vacuum. The invention provides the combination of the pin mount and media connections at the height adjustable middle part thereby providing simplification but also addressing the problem as to assuring a proper connection before a connection of the media can be released (activated or made operative). The Kummerfeld et al. reference fails to provide any suggestion with regard to this combination.

The Yabe reference teaches a rotatable connection between an endoscope and a power/light supply. There is a typical plug/socket connection via plug 5. However, plug 5 has features allowing the rotation of the cord while the plug is engaged with its pins and fixed in position in the socket. These teachings fail to provide a suggestion with regard to providing the combination of features as claimed. The Yabe disclosure is certainly related to the medical industry and therefore is related art. However, Yabe is dealing with a non-analogous problem and fails to provide teachings which would suggest changes in the Kummerfeld et al. arrangement. Accordingly, Applicant respectfully requests that the Examiner reconsider the rejections in view of the claims as presented.

Claims 3 and 8 have been rejected as being obvious based on Kummerfeld et al. In view of Yabe and further in view of Shafiyan-Rad et al.

Applicant requests reconsideration for the same reasons as noted above. Further, Shafiyan-Rad et al. fails to provide a suggestion which would motivate the person of ordinary skill in the art to make the changes to the teachings of the primary reference. Specifically, the primary reference does not face the issues which would require a proximity sensor and the secondary reference does not provide a suggestion of the combination. Accordingly, reconsideration of the rejections is requested.

Claims 4 and 9 have been rejected as being obvious based on Kummerfeld in view of Yabe and further in view of Drager et al. Applicant requests reconsideration in view of the comments noted above as to the primary reference. Further, it is noted that the Drager et al. reference fails to provide a suggestion or motivation for providing the features in combination.

There is no direction from the references which would lead the person of ordinary skill in the art to provide flaps as claimed, particularly where the primary reference discloses the connection facility providing a different oriented connection and via a different process or in a different manner. Accordingly, reconsideration of the rejection is requested.

Applicant wishes to bring to the Examiner's attention references which have been cited in the corresponding German Patent and Trademark Office proceeding and corresponding British Patent and Trademark Office proceeding.

The following references have been cited in the German Patent and Trademark Office proceeding:

DE 298 05 019 discloses a monitoring and supply device for patients. The reference is cited for showing the combination of a supply unit and a medical instrument. Mechanical connections are located on the lower side, pin 8. The electric/pneumatic connection including pin 15 is on the upper side. Electric and pneumatic connections are not separated by a middle part. No full translation of this reference is available to Applicant at this time. However, Applicant attaches an English language abstract.

The German PTO cites DE 4021013 C2 already of record and corresponding to U.S. 5,113,897 of record.

DE 198 08 267 discloses a module including means 5, 9 assigned to the module provided for supplying the solid carbon dioxide and the refrigerating module 1. The reference fails to suggest several aspects of the combination claimed. No full translation of this reference is available to Applicant at this time. However, Applicant attaches an English language

abstract.

The British Patent and Trademark Office has cited the following references:

EP 0 943 306 corresponds to DE 29805019 discussed above.

DE 4021013 has been cited. This reference is already of record as well as corresponding U.S. Patent 5,113,897.

U.S. 6,213,481 discloses an assembly consisting of a support structure and a trolley. This reference is technological background.

U.S. 2003/0197100 has also been cited as technological background.

The references as a whole fail to teach and fail to suggest the combination of features claimed. The invention provides advantageous features as noted above including a pneumatic supply on one side of the middle part and electric connections on the opposite side providing distance between the pneumatic and electrical components. This can be particularly advantageous where oxygen is fed by the pneumatic connection into the medical instrument. In such a case where the electric and pneumatic components are arranged too close, a fire risk is present.

The invention provides the convenient arrangement and further the cooperating features as discussed above.

Favorable action on the merits is requested.

Respectfully submitted
for Applicant,

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Attached: Translation of German Application DE 102 54 294.5-45 and Verification
PTO-1449 Form
copies of (3) References

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